ESTTA Tracking number:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218048
Party	Defendant TAIWAN HOPAX CHEMICALS MFG. CO., LTD.
Correspondence Address	BRENT E. ROUTMAN MERCHANT & GOULD P.C. PO BOX 2910 MINNEAPOLIS, MN 55402-0910 DOCKMPLS@merchantgould.com
Submission	Answer
Filer's Name	Justin King
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Signature	/Justin King/
Date	10/06/2014
Attachments	Answer2.pdf(294491 bytes) certificate_of_service.pdf(185950 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3M Company)	Opposition No. 91218048
Opposer,)	
vs.)	Serial No. 86/066,994
)	Mark: MAGIC CUBE & Design
Taiwan Hopax Chemicals Mfg. Co. Ltd.)	
	Serial No. 86/066,998
Applicant.)	Mark: MAGIC NOTES & Design
,	

Commissioner for Trademarks Trademark Trial and Appeal Board P.O. Box 1451 Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSTION

Dear Sir:

Taiwan Hopax Chemicals Mfg. Co. Ltd. ("Applicant"), by its attorney, responds as corresponding to the numbered paragraph in the Notice of Opposition.

- 1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments in regarding Opposer's assertion on the MAGIC mark, and denies same.
- 2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments in regarding Opposer's usage of the MAGIC mark, and denies same.

- 3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments in regarding Opposer's usage of the MAGIC mark, and denies same.
- 4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments, and denies same.
- 5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments, and denies same.
- 6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments, and denies same.
- 7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments, and denies same.
- 8. Applicant admitted that as the USPTO record shows, the Opposer did register a MAGIC mark on the Principal Register, Reg. No. 1,447,458.
 - 9. Admitted.
- 10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments, and denies same.
- 11. Denied. Applicant respectfully submits that both marks Applicant seeks to register include particular graphical design element, which is inherently different from the Opposer's mark.
 - 12 Denied
 - 13. Denied.
 - 14. Denied.

15. Applicant responses as set forth in Paragraphs 1 through 10.

Respectfully submitted,
By/Justin King/ Justin King
Attorney for Applicant Taiwan Hopax Chemicals Mfg. Co. Ltd.

October 3, 2014 WPAT, P.C. 8230 Boone Blvd. Suite 405 Vienna, VA 22182 Telephone (703) 639-0151 Fax (703) 880-7487

CERTIFICATE OF SERVICE

I certify that on October 6, 2014 a true and accurate copy of the foregoing ANSWER TO NOTICE OF OPPOSTION was served on Opposer's counsel of record by first-class mail, postage prepaid, at the following address:

Laura J. Borst

Fulbright & Jaworski LLP
2100 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402-2112

October 6, 2014

Date

Justin King

Justin King

WPAT, P.C.

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Attorney for Applicant Taiwan Hopax Chemicals Mfg. Co. Ltd.